

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Ramon I Alvarez,
Kimberly D Alvarez,

DEBTORS.

CHAPTER 13
CASE NO. 14-49330-MBM
JUDGE MARCI B. MCIVOR

TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to L.B.R. 3015-3(a) (E.D.M.) as follows:

1. Based upon an average of the debtor's pay stubs dated April 25, 2014 and May 9, 2014, provided prior to the First Meeting of Creditors, the debtor's gross income was in the average amount of \$6,322.11, which constitutes monthly net income in the average amount of \$4,118.97. As the debtors' Schedule I understates the debtor's monthly net income by approximately \$239.00, the debtors' Plan fails to comply with 11 U.S.C. Section 1325(b)(1)(B) and 11 U.S.C. Section 1325(a)(3).

2. The plan fails to increase its funding upon the termination of the obligation for the debtor's 401(k) loan pursuant to 11 U.S.C. 1325(b)(1)(B) and 11 U.S.C. 1325(a)(3).

3. The debtors' Plan fails to provide that all of the debtors' projected disposable income be utilized to fund the Plan. Specifically, the debtors' Schedule J has overstated the following expense(s) as required by 11 U.S.C. Section 1325(a)(3) and/or 11 U.S.C. Section 1325(b):

- a. Food for two people - \$800.00.
- b. Dog food, vet, various pet supplies - \$150.00.

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the debtors' Chapter 13 Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: July 29, 2014

By: /s/ Lisa K. Mullen
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

I hereby certify that on July 29, 2014, I electronically filed the Trustee's Objections to Confirmation of Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

BABUT LAW OFFICES PLLC
700 TOWNER STREET
YPSILANTI, MI

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Ramon I Alvarez
Kimberly D Alvarez
1817 Willard Dr
Canton, MI 48187-0000

/s/ W. Noelle Balloid
W. Noelle Balloid
For the Office of the Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
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